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Counsel for Plaintiff/Counter-Defendant  
Natural Selection Foods, LLC

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION**

NATURAL SELECTION FOODS, LLC dba  
EARTHBOUND FARMS,

Case No.: 5:07-cv-02548-HRL

**[PROPOSED] ORDER GRANTING MOTION TO  
DISMISS COUNTERCLAIMS AND TO STRIKE  
AFFIRMATIVE DEFENSES**

**Plaintiff/Counter-Defendant,**

Date: Tuesday, September 11, 2007  
Time: 10:00 a.m.

Location: Robert F. Peckham Federal Building and United States Courthouse  
Courtroom 2, 5th Floor  
280 South First Street  
San Jose, CA 95113

VS.

## RIVER RANCH FRESH FOODS, LLC.

**Defendant/ Counter-Plaintiff:**

This matter comes before the Court on the Motion of Natural Selection Foods, LLC (“Plaintiff/Counter-Defendant”) to Dismiss Counterclaims and To Strike Affirmative Defenses brought under Federal Rules of Civil Procedure 12(b)(1), 12(b)(6) and 12(f). The Court has considered the Motion, the related papers filed by the parties, oral argument, and such other and

1 further matters as the Court deemed necessary and appropriate. Good cause appearing therefor:

2 It is hereby ORDERED that Plaintiff/Counter-Defendant's Motion is GRANTED. The  
3 Counterclaims of River Ranch Fresh Foods, LLC ("River Ranch") are hereby dismissed and the  
4 Affirmative Defenses are hereby struck from the Answer of River Ranch.

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6 IT IS SO ORDERED.  
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8 Dated: \_\_\_\_\_

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10 THE HONORABLE HOWARD R. LLOYD  
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